

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
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**U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS**

April 13, 2006

Robert C. Heinemann, Clerk  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: MDL-1596 -- In re Zyprexa Products Liability Litigation

(See Attached Schedule A of Order)

Dear Mr. Heinemann:


I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Mecca S. Carter  
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Jack B. Weinstein  
Transferor Judges: (See Attached Lists of Judges)  
Transferor Clerks: (See Attached List of Clerks)

JPML Form 29

APR 13 2006

FILED  
CLERK'S OFFICE

**DOCKET NO. 1596**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

**BEFORE WM. TERRELL HODGES,\* CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

**TRANSFER ORDER**

Before the Panel are motions brought, respectively, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in twelve Eastern District of Missouri actions, ten Western District of Missouri actions and three Middle District of Alabama actions as listed on Scheduled A. These plaintiffs ask the Panel to vacate its orders conditionally transferring the actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Two doctors named as defendants in one of the ten Western District of Missouri actions also move to vacate the Panel's order conditionally transferring that action.<sup>1</sup> Defendant Eli Lilly and Co. opposes the motions to vacate and urges inclusion of all 25 actions in the MDL-1596 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these 25 actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of New York, and that transfer of these actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Eastern District of New York was a proper Section 1407 forum for actions involving claims of liability related to the prescription drug Zyprexa. *See In re Zyprexa Products Liability Litigation*, 314 F.Supp.2d 1380 (J.P.M.L. 2004). Any motions for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

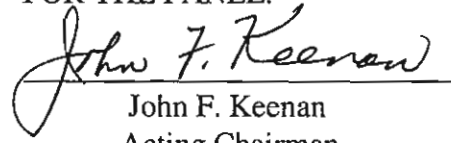
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\* Judge Hodges took no part in the decision of this matter.

<sup>1</sup> *Larry Wright v. Eli Lilly & Co., et al.*, W.D. Missouri, C.A. No. 2:05-4413.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of New York and, with the consent of that court, assigned to the Honorable Jack B. Weinstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

  
John F. Keenan  
Acting Chairman

## SCHEDULE A

### MDL-1596 -- In re Zyprexa Products Liability Litigation

#### Middle District of Alabama

*Shaheed Muhammad v. Eli Lilly & Co., et al.*, C.A. No. 2:05-1046  
*Latofia Crimes v. Eli Lilly & Co., et al.*, C.A. No. 2:05-1047  
*Sanquirnetta McCray-Martin v. Eli Lilly & Co., et al.*, C.A. No. 2:05-1048

#### Eastern District of Missouri

*Cheryl Andrews v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2126 CDP  
*Jacqueline Jenell Brown v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2127 CEJ  
*Gloria Hayes v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2128 DJS  
*Myra Frisbie v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2129 JCH  
*Xavier Johnson v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2139 ERW  
*Stanley Lewis v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2140 RWS  
*Linda Young v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2142 SNL  
*Darryl Scott v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2143 JCH  
*Valerie Ann Shaffer v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2145 RWS  
*Donna Trefney v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2151 JCH  
*Windy Atterberry v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2177 CDP  
*Ethel Stevens v. Eli Lilly & Co., et al.*, C.A. No. 4:05-2178 SNL

#### Western District of Missouri

*Michael Skinner v. Eli Lilly & Co., et al.*, C.A. No. 2:05-4411  
*Larry Wright v. Eli Lilly & Co., et al.*, C.A. No. 2:05-4413  
*Tina Carrero v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1083  
*Mary Ella Weese v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1114  
*Susan M. Riley v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1118  
*Pamela Hedrix v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1151  
*Brenda Gleese v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1244  
*Lamont Jay Hemphill v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1245  
*Linda Ward Tindall v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1246  
*Rosetta Marie Williams v. Eli Lilly & Co., et al.*, C.A. No. 4:05-1247

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**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

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